

## **REMARKS/ARGUMENT**

Applicant responds herein to the Office Action dated March 16, 2005.

### **Request for Personal Interview:**

A personal interview with the Examiner is respectfully requested. Applicants' representative will contact the Examiner by telephone to set a mutually convenient date and time.

### **Regarding the Claims in General:**

Claims 1-37 remain pending. By this communication, it is proposed to amend claims 1, 19, and 37, and to reformat these claims for clarity. As the proposed amendments only recite more explicitly what was already at least implicit in the claims as previously presented, the claims have not been narrowed for statutory purposes related to patentability. For the same reason, no new issues are raised by the proposed amendments.

### **Regarding the Prior Art Rejections:**

In the outstanding Office Action, claims 1-17, 19-35, and 37 were rejected under 35 U.S.C. §102 as being anticipated by Basceri et al. U.S. Patent 6,753,618 (Basceri), and claims 18 and 36 were rejected under 35 U.S.C. §103 as being unpatentable over Basceri in view of Roberts U. S. Patent 6,461,914 (Roberts). Applicants respectfully submit that these rejections are not applicable to the claims amended as proposed herein. Reconsideration and withdrawal of the rejections are accordingly requested.

Specifically, it is proposed to amend claims 1, 18, and 37 to explicitly state that the first stage of the deposition process for the oxide layer is completed before the second stage begins. These claims as originally written referred to the second stage as "following", which should have made clear that the stages took place in sequence, but the Examiner's explanation of his interpretation of Basceri in the response to applicants' arguments and in the final rejection itself reveals an interpretation of the claims contrary to the intent thereof.

The claims of this application differ from Basceri in various respects as set forth in response to the first Office Action. In the interest of brevity, the previously presented arguments will not be repeated. The Examiner is, however, invited to reconsider the remarks in that response, as they remain valid, and which, it is respectfully submitted, he did not consider adequately.

In any case, it is respectfully submitted that the Examiner has not demonstrated precisely where in Basceri the recited claim limitations can be found. For the most part, the explanation of

the rejections is nothing more than a repetition of the claim recitations, with the assertion that the limitations are found in the reference.

As to the amendments proposed herein, the Examiner states that Basceri teaches a vacuum system, and that even if it is throttled during formation of films, there must be some throughput due to pumping for uniform deposition of films. It is respectfully submitted that this argument has an questionable factual basis, and in any case, demonstrates clearly how the present invention, even as previously claimed, distinguishes over the cited reference.

In particular, the term "vacuum" is not used anywhere in Basceri, nor is there any mention of continuous exhaustion during the deposition process. It is incumbent on the Examiner to demonstrate support for such factual assertions.

Moreover, the Examiner asserts because of this continuous throughput, the aluminum particles and the reaction gas "will find its [sic] way to the vacuum pump in what applicant calls the second stage." That, of course, is exactly the opposite of what has been claimed in this application, namely a two-stage process in which the second stage *follows* the second stage. As claimed, there is no exhaustion of gas and byproducts during the first stage, as the Examiner asserts exists in Basceri. Even if the Examiner considers that the original language did not make this adequately clear, the proposed amendments to the claims eliminate all possible doubt that the second stage takes place in sequence *after* the first stage.

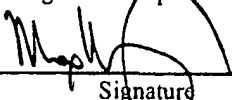
Accordingly, for at least this reason, the rejections based on Basceri should be withdrawn.

Claims 2-18, and 20-36 are dependent on allowable claims 1 and 19, and are therefore allowable for the reasons stated above. In addition, these claim recite features which, in combination with the features of their respective parent claims are neither taught nor suggested in Basceri or Roberts, whether considered singly or together.

Accordingly, the Examiner is respectfully requested to reconsider the application, allow the claims and pass this case to issue.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 6, 2005  
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Name of applicant, assignee or  
Registered Representative

  
Signature

June 6, 2005

Date of Signature

Respectfully submitted,

  
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